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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Arthur Pfitzner et al.  
Application No. : 10/566,201  
Filed : January 27, 2006  
Confirmation No. : 8282  
For : INDUCIBLE PROMOTERS FOR THE EXPRESSION OF  
PROTEINS IN PLANTS AND METHODS FOR DETECTING  
THEM  
Examiner : Brendan O. Baggot  
Attorney's Docket : MBP-033XX

TC Art Unit: 1638

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450 on

By: Charles L. Gagnebin III  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

\*\*\*\*\*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

- [ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

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- ☒ (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
☐ a statement under 37 CFR § 1.97(e); or  
☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e) (1)

- ☐ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e) (2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of

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information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

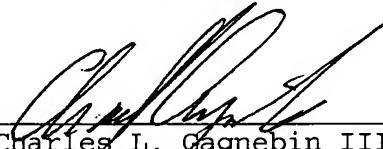
Copies of the foreign references and/or non-patent references cited in the International Search Report (ISR) and our IDS at filing are now enclosed.

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The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

ARTHUR PFITZNER ET AL.

By:   
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CLG/laf  
Enclosure  
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Date: March 22, 2006

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<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>ATTY. DOCKET NO.</b>  MBP-033XX	<b>APPLICATION NO.</b> 10/566,201
	<b>APPLICANT:</b> Artur Pfitzner et al.	
	<b>FILING DATE</b> January 27, 2006	<b>TC ART UNIT</b> 1638

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	FILING DATE
		US				

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		WO 95/19443 A	7/20/1995	WIPO			X
		WO 98/03536 A	1/29/1998	WIPO			X

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent Pages, etc.)

	DATABASE EMBL 26 April 2000 (2000-04-26), FEDERSPIEL N.A. ET AL: "Arabidopsis thaliana chromosome I BAC T6A9 genomic sequence, complete sequence." Database accession no. AC064879; nucleic acid bases 93497-94529.
	DATABASE EMBL 7 February 2000 (2000-02-07), FEDERSPIEL N.A. ET AL: "Arabidopsis thaliana chromosome I BAC T14P4 genomic sequence, complete sequence." Database accession no. AC022521; nucleic acid bases 118324-119356.
	DATABASE EMBL 7 September 2002 (2002-09-07), ALONSO J.M. ET AL: "SALK_053252.47.90.x Arabidopsis thaliana TDNA insertion lines Arabidopsis thaliana genomic clone SALK_053252.47.90.x, DNA sequence." Database accession no. BH909376; nucleic acid bases 1-197.
	WEIGEL R.R. ET AL: "NIMIN-1, NIMIN-2 and NIMIN-3, members of a novel family of proteins from Arabidopsis that interact with NPR1/NIM1, a key regulator of systemic acquired resistance in plants." PLANT MOLECULAR BIOLOGY. NETHERLANDS, MAY 2001, vol. 46, no. 2, May 2001 (2001-05), pages 143-160.
	DATABASE EMBL 18 July 1997 (1997-07-18), NAKAMURA Y.: "Arabidopsis thaliana genomic DNA, chromosome 5, P1 clone: MLN1." Database accession no. AB005239, nucleic acid bases 54709-54850.
	DATABASE EMBL 30 November 1999 (1999-11-30), CHOISNE N. ET AL: "Arabidopsis thaliana DNA chromosome 3, BAC clone F18L15" Database accession no. AL133298, nucleic acid bases 47572-47711.
	DATABASE EMBL 11 June 1999 (1999-06-11), SATO S. ET AL: "Arabidopsis thaliana genomic DNA, chromosome 3, TAC clone:K2019." Database accession no. AB028608, nucleic acid bases 30432-30574.

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

CLG/laf/331613-1 (refs enc.)

**REFERENCES WERE CITED IN INTERNATIONAL SEARCH REPORT OF PCT/EP2004/008405**